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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,118	11/27/2001	Chuan-cheng Cheng	01-695/LSI1P184	5362

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EXAMINER

RAO, SHRINIVAS H

ART UNIT PAPER NUMBER

2814

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/996,118

Applicant(s)

CHENG ET AL.

Examiner

Steven H. Rao

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 6 and 9-11.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449 Paper No(s)).
10. ☒ Other: see continuation sheet

W. H. Rao
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2000

Continuation of 2. NOTE: With respect to claim 6, Applicants' have included therein the limitations of previously rejected claim 7 and therefore have not materially reduced or simplified issues for appeal and the amended claim 6 is rejected for reasons previously set out under claims 6 and 7. The amended claim 11 does not materially reduce or simplify issues for appeal as claims 6 and 11 were previously rejected and the same rejection is maintained. Applicants' contention that the applied reference McTern does not anticipate (Sic. renders obvious) the limitation "the same mask used to pattern the dielectric layer is used to pattern the aluminum" is not persuasive because as previously stated McTern in col. 18 lines 15-45, claim 7 fig. 13 col. 22 lines 30-40 etc. clearly shows the use of the same mask used to pattern the dielectric layer and the aluminum layer. Claim 7 is cancelled by the present amendment and therefore the arguments with respect to a cancelled claim 7 are moot. To the extent the limitation of claim 7 have been included in claim 6 the same mask been used twice is taught by McTern at least at in fig. 13 col. 22 line 30-40 col. 18 lines 15-45 and claim 7. Claims 10 and 11 are alleged to be allowable because Mc Tern and Robinson fail to teach or suggest "patterning and etching the aluminum so that the aluminum overlies only areas filed with cooper" is not persuasive because (as previously stated) see McTern fig. 9 and col. 20 lines 43-49. Applicants' contention McTern does not teach aluminum or copper layer having thickness recited is not persuasive because McTern in col. 18 line 64 to col. 19 line 48 and col. 20 line 56, fig. 10 etc and claim 27 teach thickness of the aluminum layer to be approximately 50 to 500 angstrom thick.

It is noted that presnetly claim 10 depends from a subsequent claim 11 and therefore claim 10 has improper dependency.

SR
11/12/02